

## **REMARKS**

Claims 1-27 are pending in the application. Claims 1-15, 21, 22, and 25 are withdrawn from consideration, and claims 16-20, 23, 24, 26, and 27 stand rejected by the Office action mailed 5 March 2009. Claims 1, 3, 14, 16, and 19 are amended.

### ***Elections/Restrictions***

The Applicant respectfully calls the Examiner's attention to the fact that the receiving office for the PCT application did not find that the application lacks unity of invention, and both the European Patent Office and IP Australia examined all of the claims together and neither found that the national stage applications lacked unity of invention.

Consequently, and in view of M.P.E.P. § 1893.03(d), the Applicant respectfully requests that the Examiner consider rejoining the non-elected invention(s) because all of the claims drawn to the elected invention are allowable.<sup>1</sup>

The Applicant also respectfully calls the Examiner's attention to the Communication of 5 May 2009 in the European counterpart to the instant application, in which the European Examiner noted that "[t]he subject matter of claims 1-27 can be considered to fulfill the requirements of Art. 54 and 56 EPC with respect to novelty and inventive step, as not being disclosed or anticipated by the cited prior art documents." In the Australian counterpart to the instant application, claims of similar scope have recently been accepted.<sup>2</sup> For the Examiner's convenience, copies of the European Patent Office communication and the IP Australia notice of acceptance are submitted concurrently with this paper as "Exhibit A" and "Exhibit B," respectively.

### ***Claim Objections***

#### **Claim 19**

The Examiner objected to Claim 19 for containing a typographical error. Accordingly, the word "carded" in Claim 19 has been changed to "carried."

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<sup>1</sup> M.P.E.P. § 1893.03(d) ("If an examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are allowable (i.e., meet the requirements of 35 U.S.C. 101, 102, 103 and 112), the nonelected invention(s) should be considered for rejoinder.").

<sup>2</sup> See The Australian Official Journal of Patents (Supplement), vol. 23(21), p. 8449, col. 2 (4 June 2009).

***Rejection Under 35 U.S.C. § 102(b)***

Claims 16-18, 20, & 23

Claims 16-18, 20, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Werner, *et al.* (US 2002/0168562, hereinafter “Werner”). Claim 16 is amended.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”<sup>3</sup>

As amended, Claim 16 specifies that the reaction well has a sufficient length to provide an area for the at least one attachment zone and an area positioned at the end of the well into which the solution or solutions can be displaced by centrifugal force.

The Applicant respectfully points out to the Examiner that there is a difference between the teachings of Werner and the methodology as claimed in the present application in that the “target or capture zones” of Werner cannot be directly equated to the “attachment zone” of the present invention. With reference to paragraph [0010] of Werner, a capture probe (equivalent to the “second interaction partner” of the present invention) is bound to the bio-disc while a signal probe is attached to beads or particles. By virtue of hybridization between the target nucleic acid molecules in a sample and both the capture probe and the signal probe, the beads — and hence the target — become bound to the disc.

The Werner specification sets out in some detail the means by which the capture probe is immobilized on the substrate (*e.g.*, at paragraph [0011]). In essence, the “target or capture zone” of Werner is defined by the pre-existing fixation within this zone of a probe (an interaction partner) and by the nature or identity of that probe, which is specific for a target sequence to be detected. This contrasts with the method of the present invention in which the “attachment zone” is simply the region to which each of the interaction partners is added. The process of carrying out an assay to detect binding between two molecules is thus fundamentally different in Werner in comparison to the present invention. A method in accordance with the present invention is significantly less complex in nature and simpler to perform, not requiring the elaborate ‘construction’ of a specific

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<sup>3</sup> M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

target or capture zone incorporating a capture probe, as required by Werner. By the nature of the ‘construction’ of the capture or target zone, any particular bio-disc of Werner would appear to be specific for a particular application, whereas the simplicity of the present method enables its use across any method for detecting and measuring binding between two partners.

Werner neither teaches nor contemplates a device comprising a rotor having at or near the periphery of the rotor and attached thereto at least one radially positioned transparent reaction well, wherein the reaction well includes on an internal surface thereof at the end closest the axis of the rotor at least one attachment zone for the second interaction partner. Further, the cited art is silent with respect to the feature of the present claims that the reaction well within the device has a sufficient length to provide an area for the at least one attachment zone and an area positioned at the end of the well into which the solution or solutions via which the interaction partner were applied can be displaced by centrifugal force.

One advantage of the arrangement recited in the present claims and which is neither taught or contemplated by the prior art is that binding of the first interaction partner to the second interaction partner occurs in the attachment zone (in which the second partner is attached) of the reaction well, and that by simply increasing the speed of the rotor the unbound first interaction partner is displaced from the attachment zone but stays within the reaction well.

Therefore, with a device according to the present claims it is possible to easily, rapidly, and accurately measure the binding of the first and second partner by simply increasing the speed of the centrifuge rotor above a certain value which results in a displacement of all components comprised within the reaction well not being bound to the attachment zone away from said attachment zone. In that condition, the binding between the first and the second partner is determined (*e.g.*, by the measurement of emitted fluorescence of a fluorophore associated with the first partner, or by absorbance by the first partner or indicator molecule) without the danger of any interference by other components being present within the reaction well.

Moreover, the components within the reaction well being displaced from the attachment zone — but being retained within the well — may then be used for further continuing the reaction (*e.g.* conducting a further cycle of a PCR) and then a second determination of reaction products may be made. By comparing the results of the first and the second (and any further) measurements it is possible to determine the progress and success of the reaction. Such an easy way of analyzing the

progress and success of a reaction is not possible with any one of the devices or methods known from prior art.

Thus, Werner fails to teach each and every element as set forth in Claim 16 — either expressly or inherently — and Claim 16 should therefore be allowable. Because Claims 17-18, 20, and 23 all depend from Claim 16, they should therefore be allowable as well.

### ***Rejections Under 35 U.S.C. § 103(a)***

#### Claim 19

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner. This rejection is respectfully traversed.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.<sup>4</sup> The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. The Supreme Court recently observed that the analysis supporting a rejection under 35 U.S.C. § 103 “should be made explicit.”<sup>5</sup> Moreover, if the Examiner fails to set forth a *prima facie* case of obviousness, Applicants are under no obligation to submit evidence of non-obviousness. Finally, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.”<sup>6</sup>

With regard to Claim 19, the Examiner characterized Werner as teaching “carrying out the step of adding a solution comprising a quantity of the first interaction partner with the rotor rotating (par. 83), but do not teach the specific rpm of the rotating rotor.” The Examiner further asserted that “it has long been settled to be no more than routine experimentation for one of ordinary skill in the art to discover an optimum value for a result effective variable” such as rpm of the rotating rotor.

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<sup>4</sup> See, e.g., M.P.E.P. § 2142.

<sup>5</sup> *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007).

<sup>6</sup> M.P.E.P. § 2141.02(I) (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782 (Fed. Cir. 1983)); see also *KSR*, 550 U.S. at 406.

Claim 19 depends from independent Claim 16, and so incorporates all of the limitations of Claim 16. Regardless of whether the specific rpm of the rotating rotor is an optimum value for a result effective variable, Claim 19 is unpatentable over Werner for the same reasons given above in Applicant's response to the rejection of Claims 16-18, 20, and 23 as anticipated by Werner.

Consequently, Werner does not show recognition of Applicant's apparatus, and Claim 19 should therefore be allowable.

#### Claim 24

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, as applied to claims 16 and 23, in view of Gjerde, *et al.* (US 6,210,885, hereinafter "Gjerde"). This rejection is respectfully traversed.

With regard to Claim 24, the Examiner asserted that Werner teaches the indicator molecule being an intercalating dye of cyanine, but fails to teach the dye being Sybr green. The Examiner further asserted that Gjerde teaches a DNA binding dye of either cyanine or Sybr green in order to provide detection of a DNA complex that is reversibly labeled.

Claim 24 depends (ultimately) from independent Claim 16, and so incorporates all of the limitations of Claim 16. Regardless of whether Gjerde teaches a DNA binding dye of either cyanine or Sybr green in order to provide detection of a DNA complex that is reversibly labeled, Claim 24 is not unpatentable over Werner in view of Gjerde for the same reasons given above in Applicant's response to the rejection of Claims 16-18, 20, and 23 as anticipated by Werner.

Consequently, neither Werner nor Gjerde (whether alone, or in combination) show recognition of Applicant's apparatus, and Claim 24 should therefore be allowable.

#### Claim 26

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, in view of Gordon *et al.* (US 2002/0098528, hereinafter "Gordon"). This rejection is respectfully traversed.

With regard to Claim 26, the Examiner asserted that Werner teaches "measuring fluorescence, but fail to teach the measuring step while the rotor is rotating at a speed of at least 500 rpm." The Examiner further asserted that Gordon teaches "moving an incident beam for detection

in a detection chamber by rotating a biodisc about an axis, in order to provide perpendicular scanning of the detection chamber”

Applicant respectfully reminds the Examiner that none of the cited documents teaches or contemplates a device comprising a rotor having at or near the periphery of the rotor and attached thereto at least one radially positioned transparent reaction well, wherein the reaction well includes on an internal surface thereof at the end closest the axis of the rotor at least one attachment zone for the second interaction partner. Further, the cited art is silent with respect to the feature of the present claims that the reaction well within the device has a sufficient length to provide an area for the at least one attachment zone and an area positioned at the end of the well into which the solution or solutions via which the interaction partner were applied can be displaced by centrifugal force.

Claim 26 depends from independent Claim 16, and so incorporates all of the limitations of Claim 16. Regardless of whether Gordon teaches moving an incident beam for detection in a detection chamber by rotating a biodisc about an axis, in order to provide perpendicular scanning of the detection chamber, Claim 26 is not unpatentable over Werner in view of Gordon for the same reasons given above in Applicant’s response to the rejection of Claims 16-18, 20, and 23 as anticipated by Werner.

Consequently, neither Werner nor Gordon (whether alone, or in combination) show recognition of Applicant’s apparatus, and Claim 26 should therefore be allowable.

#### Claim 27

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner, in view of Almogy (US 6,236,454, hereinafter “Almogy”). This rejection is respectfully traversed.

With regard to Claim 27, the Examiner asserted that Werner teaches “at least one reaction well having multiple attachment zones and measurement of the amount of the interaction partner bound to the second interaction partner via the fluorescence of an indicator molecule, but [fails] to teach detection using multiple detectors.” The Examiner further asserted that Almogy teaches “detection of fluorescence in multiple regions (spots) using multiple photodetectors in order to resolve sufficiently small pixels by having the ability to place detectors at non-oblique angles.”

Claim 27 depends from independent Claim 16, and so incorporates all of the limitations of Claim 16. Regardless of whether Almogy teaches detection of fluorescence in multiple regions (spots) using multiple photodetectors in order to resolve sufficiently small pixels by having the ability to place detectors at non-oblique angles, Claim 27 is not unpatentable over Werner in view of Almogy for the same reasons given above in Applicant's response to the rejection of Claims 16-18, 20, and 23 as anticipated by Werner.

Consequently, neither Werner nor Almogy (whether alone, or in combination) show recognition of Applicant's apparatus, and Claim 27 should therefore be allowable.

### ***Conclusion***

It is believed that the stated grounds for rejection have been properly addressed. The Examiner is therefore respectfully requested to enter this amendment as it puts this case in a condition for allowance. If the Examiner determines that a telephone conference with the undersigned would expedite allowance or resolve any further questions, such a conference is invited at the Examiner's convenience. The Office is authorized to charge the requisite fee due upon filing of this paper and any additional fee is to be charged to Baker Donelson Bearman Caldwell & Berkowitz, PC, Deposit Account No. 50-4254.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

**DATED:** 4 September 2009

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## **EXHIBIT A**

### **European Patent Office communication**





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Application No. 03 773 337.5 - 2404	Ref. B16A03/P-EP/WO	Date 05.05.2009
Applicant Corbett Life Science Pty Ltd		

#### Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



Lindberg, Pia  
Primary Examiner  
**For the Examining Division**

Enclosure(s): 3 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

**Description, Pages**

- 1, 3-9 as published  
2 as annexed to the Int. Prel. Examination Report

**Claims, Numbers**

- 1-27 received on 24.12.2008 with letter of 23.12.2008

**Drawings, Sheets**

- 1/1 as published

**1. Amendments - Art. 123(2) EPC**

- 1.1 The amended set of claims filed with the letter of 23.12.2008 fulfils the requirements of Art. 123(2) EPC.

**2. Novelty and Inventive step**

- 2.1 The subject-matter of claims 1-27 can be considered to fulfil the requirements of Art. 54 and 56 EPC with respect to novelty and inventive step, as not being disclosed or anticipated by the cited prior art documents.

**3. Clarity - Art. 84 EPC**

- 3.1 In order the application to proceed to grant, the following clarity objections need to cleared;
- 3.2 **Claims 19, 20 and 26** refer to the rotor speed used in steps b), c) and d) in the method of claim 16. Claim 19 states that step b) is carried out "*..with the rotor (1) rotating at a speed of up to 500rpm*". The wording of the claim thus includes also the use of 500rpm for the binding of the first interaction partner to the second interaction partner. However,

according to the description of the application on page 6, lines 12-17, it would appear that a wording referring to "a speed of less than 500rpm" would be more appropriate in claim 19. Otherwise it is unclear how the detection step (step d)) can be performed at a speed of "*at least 500rpm*" (i.e. also disclosing 500rpm) as claimed in claim 26, because the same speed (500 rpm) can also be used for the binding reaction and thus the unbound first interaction partner would also still be present at the attachment zone, Art. 84 EPC.

- 3.3 On page 2, lines 19-23 the used wording is considered unclear. In step b) it is defined that the mixture discloses the first interaction partner and the second interaction partner. In step c) this **mixture**, i.e. the first and the second interaction partner are displaced away from the attachment zone. Equally on page 7, lines 4-5 the Applicant refers to the **mixture** which will move away from the attachment zone. According to claim 16, only the first unbound interaction partner is displaced from the attachment zone. The claims of the application are thus not in accordance with the description, Art. 84 EPC.
- 3.4 On page 3, the last sentence states that "*...that is, impermeable to light- to allow accurate and sensitive measurement of the **second interaction partner molecule** or indicator molecule*". The Applicant assumably means "measurement of the **first interaction partner**".

#### 4. Further remarks

- 4.1 The Applicant is invited to file new claims and amended description pages which take account of the above comments.
- 4.2 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant should clearly identify the amendments made, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines E-II, 1).
- 4.3 Reference to documents in the description in form of "which is hereby incorporated by reference" should be deleted from the description as the European application should

Datum  
Date  
Date 05.05.2009

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Sheet 3  
Feuille

Anmelde-Nr.: EP03773337  
Application No.: 03 773 337.5  
Demande n°:

be self contained (see the Guidelines C-II, 4.19).

## **EXHIBIT B**

### **IP Australia Notice of Acceptance**



# **Australian Government**

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## **IP Australia**

### **Supplement to the**

# **AUSTRALIAN OFFICIAL JOURNAL**

  

## **OF**

  

# **PATENTS**



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*INID (Internationally agreed Numbers for the Identification of Data)*

## GUIDE TO THE USE OF THIS JOURNAL

The Australian Official Journal of Patents (AOJP) reports all major events and actions which take place during the life cycle of an Australian patent and provides certain details of these actions as they relate to the patent or patent application involved. This guide sets out to teach the reader how to use the journal to access this information.

While there are many possible actions in the life of a patent, the majority of actions reported relate to the following events, which are the main stages in the progression of a patent application to a sealed patent:

### **(i) FILING -**

This is the act of making an application. When the application is first filed certain details are published.

### **(ii) OPEN-TO-PUBLIC-INSPECTION (OPI) -**

Approximately 18 months after first filing of an Australian or a corresponding foreign application, certain application documents, including the complete specification, become available to the public (Open-to-Public-Inspection or "OPI"). Relevant application details are published.

### **(iii) ACCEPTANCE -**

This is the Commissioner's acceptance of a patent application. Once the Commissioner has accepted a patent application, certain details of the application are published in the AOJP. Notice of opposition may be filed within three months of advertisement of acceptance.

### **(iv) OPPOSITION -**

If an opposition action is commenced against the grant of the patent, the six-figure acceptance number and the name of the opponent are published. If the opposition is to the Certification of an Innovation Patent, the patent number and the name of the opponent are published.

### **(v) SEALING -**

Most accepted applications are not opposed. These proceed to sealing and become granted patents. Of the few that are opposed (less than 1%) most of these, after resolution of the opposition, proceed to sealing and become granted patents. Sealed patents are simply listed in order of their application number.

### **(vi) CERTIFICATION**

This is the Commissioner's Certification after passing examination of a previously granted unexamined Innovation Patent.

In addition to the actions related to these stages, other actions reported include: assignments, lapsing or withdrawal of applications and ceasing or expiry of patents, voluntary amendments, extensions of time for certain actions and registration of licences.

## How To Identify Information Using "INID" Numbers

Patents are published in many different countries and in many different languages. As a result, finding the information that you want (eg the filing date) on a patent document or in a journal can be quite difficult. There is an international system operating, however, which codifies this information in an unambiguous way, by assigning a specific number to each piece of information about the history of a patent. These numbers are called the **Internationally agreed Numbers for the Identification of Data** or INID numbers.

These numbers appear on all published patents and abstracts and are used throughout this journal to identify particular items of information. For example, the date on which a document is filed has the INID number (22), while the name of the applicant has the INID number of (71). These numbers are always expressed in parentheses and always immediately precede the information to which they relate. For example:

(22) 12.10.91

means that the filing date of the document which contains this reference is 12 October 1991. Learning the INID numbers for the information you want will help you find it quickly and easily.

A complete list of the INID numbers and the items to which they relate is provided at the end of this Guide.

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**Patent applications** in Australia are assigned a number at the filing stage in their processing. Each Australian application will retain the same number throughout its life, though different numbers may be associated to the application. The number will incorporate the year of lodgment then a unique number within the appropriate range.

There will be number ranges for types of patents:

100,000 – 199,999 Innovation  
200,000 – 799,999 Standard  
800,000 – 899,999 Petty  
900,000 – 999,999 Provisional

When searching for information and ordering documents it is vital that you understand the numbering systems.

1. **Provisional Applications** are given a ten-figure number

e.g. 2002901123

A provisional application number is identified by the INID number (21).

2. **Complete and Innovation Applications** are also given a ten-figure application number

e.g. 2002200345 Standard

2002100123 Innovation

There are prefixes applied to this number which indicate whether the application has been accepted:

A document corresponding to an unaccepted application has the prefix, AU-A; eg AU-A-2002200234.

A document corresponding to an accepted application carries the prefix AU-B; eg AU-B-2002200234.

Users need to be aware that an accepted document may differ from the corresponding unaccepted document. This is because amendment may occur between first publication (OPI) and second publication (acceptance).

A ten-figure application number is identified by the INID number (21).

**NOTE:** When ordering any patent document from us, whether accepted or not, please quote the ten-figure application number preceded by the appropriate prefix.

## Arrangement of Information in the Journal

For each of the categories

- (i) Provisional Applications Filed,
- (ii) Complete Applications Filed,
- iii) Applications Open to Public Inspection
- (iv) Applications Entered National Phase
- (v) Applications Accepted, and
- (vi) Innovation Patent Certified.

The Journal lists the information published in that category in an alphabetical Name Index list based on the name of the applicant. These indices are useful if you wish to find information about applications made by a particular applicant.

In addition to the Name Index there is provided, for each of these categories, a Numerical Index. This index lists the applications either in order of their five-figure Application Numbers, in the case of complete applications filed and applications OPI, or in order of their six-figure Document Number in the case of accepted applications. It provides, for each number, the name of the applicant. These indices are useful if you wish to track the progress of a particular patent application.

There are also IPC Indices provided for applications which are OPI and for applications which have been accepted. IPC stands for International Patent Classification. Each IPC "mark" is an alpha-numerical representation of a particular area of technology. These indices are in order of IPC mark, and within each mark provide either the five-figure application numbers of the application which are now OPI or the six-figure numbers of the cases now accepted. These indices are useful if you wish to check on patent activity in a particular technology.

## Using the Indices

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Use the Name Indices. They will give you the following information identified by their INID number:

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The Provisional application <u>number</u>	(21)	The <u>number</u> assigned to the application	(21)
The <u>date</u> of filing	(22)	The <u>date</u> of filing	(22)
The <u>title</u> of the invention	(54)	<u>Title</u> of the invention	(54)
		<u>Number</u> of priority document(s) if any	(31)
		<u>Date(s)</u> of filing of priority documents	(32)
		<u>Country</u> of which priority documents filed	(33)
		PCT application <u>number</u>	(86)
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The <u>name</u> of the applicant	(71)	The <u>name</u> of the applicant	(71)
The <u>number</u> of the document	(11)	The <u>number</u> of the document	(11)
The <u>number</u> assigned to the application	(21)	The <u>number</u> of the accepted document	(10)
The <u>date</u> of filing	(22)	The <u>number</u> assigned to the application	(21)
The <u>title</u>	(54)	The <u>date</u> of filing	(22)
The <u>classification marks</u>	(51)	The <u>title</u>	(54)
Priority document <u>number(s)</u>	(31)	The <u>classification marks</u>	(51)
<u>Date</u> of filing of priority document(s)	(32)	PCT publication <u>number</u>	(87)
<u>Country</u> in which priority document filed	(33)	Priority document <u>number</u>	(31)
Publication <u>date</u> of unexamined document	(43)	<u>Date</u> of filing of priority document(s)	(32)
Inventors names if known	(72)	<u>Country</u> in which priority document filed	(33)
<u>Patent Attorneys</u>	(74)	Publication <u>date</u> of unexamined document	(43)
<u>ITEM</u>	<u>INID</u> <u>No.</u>		
<b>E) Patents Certified -- Name Index</b>			
The <u>name</u> of the applicant	(71)		
The <u>number</u> of the accepted document	(10)		
The <u>number</u> assigned to the application	(21)		
The <u>date</u> of filing	(22)		
The <u>title</u>	(54)		
The <u>classification marks</u>	(51)		
Priority document <u>number</u>	(31)		
<u>Date</u> of filing of priority document(s)	(32)		
<u>Country</u> in which priority document filed	(33)		
Publication <u>date</u> of granted patent	(45)		
Inventors <u>names</u>	(72)		
<u>Patent Attorneys</u>	(74)		
Related by division	(62)		

You will notice at each stage of following application through that all applications are in alphabetical order of **Applicant**, not inventor.

### 2. To Find Information About a Patent Application if You Know its Number.

Use the appropriate numerical index. This will give you the name of the applicant from the number. You will then need to use the appropriate Name Index as above to find out other information about the Patent Application you are interested in.

The following Numerical Indices are available:

- A) **Provisional** Applications filed.
- B) **Complete** Applications filed.
- C) Innovation Applications filed.
- D) Applications **Open to Public Inspection**.
- E) Applications **Accepted**.
- F) Innovation Patent Certified

### **3. To Find Information About Patent Documents in the Area of Technology in which You are Interested if You Know the International Patent Classification Mark for that Area.**

All patent applications are classified according to their subject matter using the International Patent Classification (IPC). Although the system is very detailed and covers all technologies, knowledge of the IPC marks of the technologies you are interested in will allow you to find patent documents in these technologies quite easily. To identify the IPC marks of technologies you are interested in, you can inspect relevant documentation in any of AIPO's state offices.

The indices to use are

- A) Applications **OPI** - IPC Index
- B) Applications **accepted** - IPC Index.

These indices give you the numbers of the applications which are either OPI or Accepted and are listed in order of their IPC marks.

Once you have the numbers of the documents that interest you, consult the relevant Number Index (see 2. above) to find the applicant's name, and then the Name Index (see 1. above) to find out the details of that application.

### **'INID' NUMBERS in use on Australian Patent Documents**

'INID' is an acronym for 'Internationally agreed Numbers for the Identification of Data'.

#### **(10) Document identification**

- (11) Number of the document
- (12) Plain language designation of the kind of document
- (19) WIPO country code, or other identification, of the country publishing the document.

#### **(20) Document filing data**

- (21) Number(s) assigned to the application(s).
- (22) Date(s) of filing application(s)
- (23) Other date(s) of filing, including exhibition filing date and date of filing complete specification following provisional specification.
- (24) Date from which industrial property rights may have effect.

#### **(30) Priority data**

- (31) Number(s) assigned to priority application(s)
- (32) Date(s) of filing priority application(s)
- (33) Country (countries) in which the priority application(s) was (were) filed.

#### **(40) Date(s) of making available to the public**

- (43) Date of publication by printing or similar process of an unexamined document, on which no grant has taken place on or before the said date.
- (44) Date of publication by printing or similar process of an examined document, on which no grant has taken place on or before the said date.
- (45) Date of publication by printing or similar process of a document, on which grant or certification has taken place on or before the said date.

#### **(50) Technical Information**

- (51) International Patent Classification
- (52) Domestic or national classification

- (54) Title of invention
- (56) List of prior art documents, if separate from descriptive text
- (57) Abstract or claim

**(60) Reference(s) to other legally related domestic document(s)**

- (60) Related by cognate(s).
- (61) Related by addition(s).
- (62) Related by division(s).

**(70) Identification of parties concerned with the document**

- (71) Name(s) of applicant(s)
- (72) Name(s) of inventor(s) if known to be such
- (74) Name(s) of attorney(s) or agent(s)
- (75) Name(s) of inventor(s) who is (are) also applicant(s)

**(80) Identification of data related to International Conventions other than the Paris Convention**

- (86) PCT Application Number
- (87) PCT Publication Number

**NOTE**

- (1) Australian patent documents published on or after 26 October 1978 should be referred to by the application number preceded by the prefix AU-A or AU-B.

**AU-A** = Pre-examination                      **AU-B** = Post-examination

- (2) The classification used is the International Patent Classification and is identified by the INID code (51). Further editions of the classification are identified as (51)<sup>2</sup>, (51)<sup>3</sup>, (51)<sup>4</sup> and (51)<sup>5</sup>.
- (3) INID code 74 provides for the name of the patent attorney, or firm of attorneys, prosecuting an application.

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